

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 13-33 are pending in the application, with claims 13, 26 and 33 being the independent claims. Claims 5-12 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 13-33 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Objection to the Specification***

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed “out of phase terminology.” Applicant has cancelled the subject matter of claims 5-12 without prejudice to the subject matter therein, thus rendering this objection moot. Applicant instead seeks the prosecution of new claims 13-33, which do not use the objected to “out of phase terminology” and for which proper antecedent basis is properly provided throughout the specification.

In light of this amendment, Applicant respectfully requests the withdrawal of this objection to the specification.

***Rejections based on Obviousness-type Double Patenting***

The Examiner rejected claims 5-12 under the judicially created doctrine of obviousness type double patenting. However, Applicant has cancelled claims 5-12, thus rendering this rejection moot. Applicant instead seeks the prosecution of new claims 13-33.

In light of this amendment, Applicant respectfully requests the withdrawal of this obviousness-type double patenting rejection.

***Rejections under 35 U.S.C. § 112***

The Examiner has rejected claims 5-12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant has cancelled claims 5-12, thus rendering this rejection moot. Applicant instead seeks the prosecution of new claims 13-33, which adequately comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

In light of this amendment, Applicant respectfully requests the withdrawal of this 35 U.S.C. § 112 rejection.

***Proposed Interference***

Applicant has cancelled claims 5-12 and thus no longer requests an interference based on U.S. Patent No. 6,066,167. Further, Applicant submits that an interference based on new claims 13-33 would not be appropriate.

Dominik M. Wiktor  
Appl. No. 09/721,107

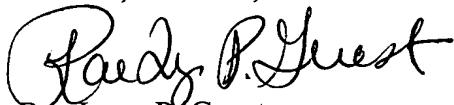
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Rae Lynn P. Guest  
Attorney for Applicant  
Registration No. 53,482

Date: 7/6/04

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

281362\_1.DOC